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EXAMINER

ARANI, TAGHI T

ART UNIT

PAPER NUMBER

2131

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,415

Applicant(s)

HAUGHAN ET AL.

Examiner

Taghi T. Arani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/22/201.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-71 have been examined and are pending.

Specification

2. The application papers are objected to because different font size is used in page 5 of the specification.

A legible substitute specification in compliance with 37 CFR 1.52(a) and (b) and 1.125 is required.

The disclosure is objected to because of the following informalities: The term “notarisation” in page 2, line 32, page 4, line 9 and page 6, line 30 is assumed to read “notarization. Appropriate correction is required.

Claim Objections

3. Claim 29 is objected to because of the following informalities: The term “notarisation”, page 14, line 28 is assumed to read “notarization. Appropriate correction is required.

Drawings

4. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the timestamp, logger, verifier,

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referencer, intermediate agent, guarantee obtainer, guarantee message sender are examples which must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Figure 1 is described as “a known model for providing guarantee”. Prior art figures should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3 and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said intermediate party" in 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 63 recites “an intermediate agent for use in a system for sending an electronic message from a sending party to a receiving party, the message being received by the sending party with a guarantee”. It is not clear whether the message with guarantee is received by the

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receiving party with guarantee or the message is received by the sending party who also sends the original message. For purpose of applying art, the Examiner assumes "the message being received by the receiving party with guarantee".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 63-71 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 63 recites "An intermediate agent" comprises:

means for obtaining a guarantee...

means for sending the received message.....

The intermediate agent with means for obtaining and means for sending are directed to pure software.

Dependent claims 64-71 are further limiting the intermediate agent (software) by software modules.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. **Claims 1-12, 15-18, 20-21, 29, 31-43, 46-49, 51-52, 60 and 62-71** are rejected under 35 U.S.C. 102(e) as being anticipated by Linehan, U.S. Patent No. 6,327,578, issued December 2001.

As per claims 1 and 32, Linehan teaches a method and apparatus of sending an electronic message from a sending party to a receiving party, the message being received by the second party with a guarantee (abstract), the method comprising the steps of:

sending a guarantee request from said sending party to a guarantor [Figure 3 and related text, col. 15, lines 14-20, sending from a consumer's computer to an issuer gateway acting on behalf of issuing bank (guarantor) an authorization request message, see also Figures 2A and related text for consumer's computer 202 (sending party), Merchant 204(receiving party) and issuing bank (a guarantor)];

attaching a guarantee received from the guarantor (issuing bank 212) to said message [col. 7, line 67 through col. 8, line 8, the issuer gateway attaches an authorization token (a guarantee) to the message, see also col. 11, line 10 for the structure of certificate Hierarchy including Root, Issuing Bank, Acquiring bank and Merchant]; and

forwarding said guaranteed message to said receiving party [Fig. 3 and related text, numeral element 31, consumer wallet forwards a message including authorization token (guarantee) to the merchant].

As per claims 2 and 33, Linehan teaches a method and apparatus according to claims 1 and 32 respectively, wherein said step of sending said guarantee request from said sending party to a guarantor comprises the steps of:

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sending said message from said sending party to an intermediate party [Fig. 2A, issuer gateway 214 (an intermediate party), col. 5, line 65 through col. 6, line 3 the consumer sends the message requiring guarantee to the issuer's gateway 214 (intermediate party)];

As per claims 3 and 34, Linehan teaches a method and apparatus according to claims 1 and 32, wherein prior to said step of sending a message requesting a guarantee, said intermediate party performs the steps of:

logging said message from said sending party [Figure 7 and related text, the issuer gateway includes (logger) consumer data buffer 732 and 742 for logging message from said sending party];

adding a timestamp to said message [col. 8, line 9-10, the issuer gateway authorizes payment by sending over the internet network an authorization token including timestamp];

adding a reference to said message [col. 8, lines 11-12, authorization token includes a reference number]; and

verifying said message [col. 8, lines 55-56, the issuer gateway (verifier) authenticates the message using consumer's authentication information, see also Fig. 3, numeral element 308 and related text, col. 6, lines 8-13, the issuer gateway verifies merchant's signature and validated the acquirer's certificate in the message.].

As per claims 4 and 35, Linehan teaches a method and apparatus according to claims 3 and 34 respectively, wherein said message is a message signed with a signature [col. 7, lines 59-63, the merchant signs the message and includes a digital certificate of the acquiring bank].

As per claims 5 and 36, Linehan teaches a method and apparatus according to claims 3 and 34 respectively, wherein said intermediate party performs the further steps of:

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determining the sending party's identity [col. 7, lines 20-38, the issuer gateway verifies the smart card's signature of the consumer's identity];

determining the guarantor's identity [col. 6, 18-20, the issuer gateway pre-authorizes payment by sending an authorization token 254 and an issuer's digital certificate (determines the Guarantor's identity), see also col. 11, lines 10-30 for certificate hierarchy]; and

determining the identity of the receiving party's guarantor [col. 6, lines 10-11, the issuer gateway verifies the merchant's signature and the acquirer's certificate (i.e. the receiving party's guarantor), see also col. 11, line 10 for the structure of certificate Hierarchy including Root, Issuing Bank, Acquiring bank and Merchant].

As per claims 6 and 37, Linehan teaches a method and apparatus according to claims 5 and 36 respectively wherein the step of determining the identity of the receiving party's guarantor comprises contacting the receiving party [col. 6, lines 4-7, the acquiring bank's certificate contains a network address or URL, that identifies the network location of the acquiring bank contacted via an internet network].

As per claims 7 and 38, Linehan teaches a method and apparatus according to claims 5 and 36, wherein the step of sending said guarantee request from the sending party to a guarantor further comprises:

sending a guarantee request message from the intermediate party to the receiving party's guarantor [col. 6, lines 33-62, the issuer gateway signs the authorization token on behalf of the issuing bank and sends it (i.e. sending a guarantee request message) to the acquirer gateway 206 (Fig. 2A) operating on behalf of the acquiring bank 208, wherein the acquiring bank 208 sends a settlement message to the issuing bank 212].

As per claims 8 and 39, Linehan teaches a method and apparatus according to claims 2 and 33 respectively, wherein the step of sending said message further comprises receiving a guarantee from the sender's guarantor, and said step of attaching the guarantee to the message is performed by the intermediate party [col. 7, line 67 through col. 8, line 8, the issuer gateway receives guarantee (authorization) from the issuing bank and the issuer gateway (intermediate part) attaches the authorization token (a guarantee) to the message, see also col. 8, lines 61-67].

As per claims 9 and 40, Linehan teaches a method according to claim 5, wherein the step of sending said message further comprises receiving a guarantee from the receiver's guarantor [col. 14, lines 59-64].

As per claims 10 and 41, Linehan teaches a method and apparatus according to claims 8 and 41 respectively, wherein the step of attaching the guarantee to the message includes attaching a timestamp and reference to the message, said timestamp and reference having been assigned by the intermediate party on receipt of the message from the sender by the intermediate party [col. 8, lines 5-12].

As per claims 11 and 42, Linehan teaches a method and apparatus according to claims 10 and 41, comprising receiving the guaranteed message at the receiving party from the intermediate party [col. 9, lines 64-67, i.e. the consumer's wallet forwards the authorization token to the merchant (receiving party)]; and verifying a signature applied to the message by the intermediate party [which verifies both the issuer gateway's signature (intermediate party) and the data in the authorization token].

As per claims 12 and 43, Linehan teaches a method and apparatus according to claims 1 and 32 respectively, further comprising sending a receipt from the receiving party to the

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intermediate party after receipt as the guaranteed message [col. 14, lines 59-64, Merchant sends acknowledgement back to the issuer gateway (intermediate party)].

As per claims 15 and 46, Linehan teaches a method and apparatus of sending a guaranteed message from a sending party to a receiving party, the method comprising the steps of:

Sending an electronic message from the sending party to an intermediate party [col. 4, lines 19-23, the consumer's computer sends a message to an issuer gateway operating on behalf of an issuing bank (intermediate party)];

obtaining a guarantee at the intermediate party [col. 15, lines 14-20, the issuer gateway (intermediate party) obtains an authorization token (guarantee), see also col. 11, line 10 for the structure of certificate Hierarchy including Root, Issuing Bank, Acquiring bank and Merchant];

on receipt of the guarantee, constructing a guaranteed message from the electronic message and the guarantee [col. 7, line 67 through col. 8, line 8, the issuer gateway (intermediate party) attaches an authorization token to the message];

sending the guaranteed message from the intermediate party to the receiving party [Fig. 3 and related text, numeral element 31, consumer wallet forwards the authorization token to a merchant (receiving party)].

As per claims 16 and 47, Linehan teaches a method and apparatus according to claims 1 and 46 respectively, wherein the message sent from the sending party includes a signature [col. 4, lines 37-38, the issuer gateway signs the authorization token], comprising:

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logging the message on receipt at the intermediate party [Figure 7 and related text, consumer data buffer 732 and 742 represent (logger) logging the message at the intermediate party];

adding a timestamp and a reference to the message and verifying the signature [col. 8, line 9-10, the authorization token includes timestamp].

As per claims 17 and 48, Linehan teaches a method and apparatus according to claims 16 and 47 respectively, wherein the step of constructing the guaranteed message uses the received signed message, the timestamp and the reference [col. 4, 35-37, the issuer gateway constructs a message (guaranteed message) using signed authorization token, timestamp and a reference to the customer's credit/or debit card].

As per claims 18 and 49, Linehan teaches a method and apparatus according to claims 15 and 46, wherein, on receipt of the guaranteed message at the receiving party, the receiving party sends a receipt to the intermediate party [col. 14, lines 59-64, merchant sends acknowledgement back to issuer gateway].

As per claims 20 and 51, Linehan teaches a method and apparatus according to claims 18 and 49 respectively, wherein, when the receipt is received by the intermediate party, the intermediate party sends a guaranteed receipt to the sending party [col. 14, lines 59-67, the merchant (receiving party) send an acknowledgement (receipt) back to the issuer gateway (intermediate party). The issuer gateway sends acknowledgement back to the consumer wallet].

As per claims 21 and 52, Linehan teaches a method and apparatus according to claims 15 and 46 respectively, further comprising the step of:

obtaining a guarantee from the receiving party guarantor at the intermediate party [col. 5, lines 57-61, i.e. the merchant message sent to the issuer gateway includes merchant digital signature and a digital certificate from an acquiring bank (i.e. guarantee from the receiving party guarantor)]; and

wherein the construction and sending of the guaranteed message occurs only when guarantees are received from the sending party guarantor and the receiving party's guarantor [col. 6, lines 9-42, the issuer gateway constructs a guaranteed message including a signed authorization token only after merchant's signature and the acquiring bank's digital certificate (receiving party's guarantor) have been verified (received) and when the issuer gateway validates the consumer's account through an issuing bank (sending guarantor)].

As per claims 29 and 60, Linehan teaches a method and apparatus of providing on-line notarisation for electronic messages sent from a sending party to a receiving party, comprising the steps of:

sending a message from the sending party to an intermediate party [col. 4, lines 19-23, the consumer's computer sends a message to an issuer gateway operating on behalf of an issuing bank (intermediate party)];

logging receipt of the message at the intermediate party [Figure 7 and related text, consumer data buffer 732 and 742, authorization token buffer 734 and 744 represent (logger) logging the message at the intermediate party];

applying a timestamp to the message [col. 8, line 9-10, the authorization token includes timestamp];

assigning a reference to the message [col. 8, lines 11-12, authorization token includes a reference number];

obtaining a guarantee from a sending party guarantor at the intermediate party [col. 7, line 67 through col. 8, line 8, the issuer gateway obtains a guarantee from the issuing bank and attaches an authorization token to the message, see also col. 11, line 10 for the structure of certificate Hierarchy including Root, Issuing Bank, Acquiring bank and Merchant]; and

on receipt of the guarantee, sending a guaranteed message from the intermediate party to the receiving party [Fig. 3 and related text, numeral element 31, consumer wallet forwards the authorization token to a merchant (receiving party)].

As per claims 30 and 61, Linehan teaches a method and apparatus according to claims 29 and 61, further comprising, on receipt of the guaranteed message at the receiving party:

sending a receipt to the intermediate party [col. 14, lines 59-64, Merchant sends acknowledgement back to the issuer gateway];

logging the receipt at the intermediate party [Figure 7 and related text, the issuer gateway includes (logger) consumer data buffer 732 and 742 for logging consumer data];

sending a guaranteed receipt to the sending party [col. 14, lines 65-67, the issuer gateway sends acknowledgment to the consumer wallet].

As per claims 31 and 62, Linehan teaches a method and apparatus according to claims 29 and 60, wherein the guaranteed message is logged before it is sent by the intermediate party to the receiving party [Figure 7 and related text, the issuer gateway includes (logger) consumer data buffer 732 and 742 (logger) for logging guaranteed message at the issuer gateway].

As per claim 63, Linehan teaches an intermediate agent (Figure 2A and related text, issuer gateway 214) for use in a system for sending an electronic message from a sending party (Consumer 202) to a receiving party (Merchant 204), the message being received by the sending party with a guarantee [Figure 3 and related text, col. 15, lines 14-20, sending from a consumer's computer to an issuer gateway acting on behalf of issuing bank (guarantor) an authorization request message, see also Figures 2A and related text for consumer's computer 202 (sending party), Merchant 204(receiving party) and issuing bank (a guarantor), see also col. 14, lines 65-67], the system including the sending party [Consumer 202], the receiving party [merchant 204], and a sending party guarantor [issuing bank 212]; wherein the intermediate [issuer gateway 214] agent is arranged to communicate with the sending party [Fig. 7 and related text, Back-End client communication protocols 754], the receiving party and the sending party guarantor [Front-End Server communication protocols 752] and comprises:

means for obtaining a guarantee relating to the sending party from the sending party guarantor [Fig. 8, numeral numbers 802-812, the issuer gateway confirms [numeral element 808] with the issuer that consumer's credit for transaction is sufficient and generates an authorization token, see also see also col. 11, line 10 for the structure of certificate Hierarchy including Root, Issuing Bank, Acquiring bank and Merchant]; and

means for sending the received message as a guaranteed message to the receiving party [col. 6, the issuer gateway sends the authorization token (a guaranteed message) to the Merchant (receiving party)].

As per claim 64, Linehan teaches an intermediate agent according to claim 63, wherein the system further comprises:

a receiving party guarantor [Fig. 2A, Acquiring bank 209]; and

the intermediate agent further comprises means for obtaining a guarantee relating to the receiving party from the receiving party guarantor [Fig. 2A and related text, col. 6, lines 8-12, the issuer gateway 214 (intermediate agent) obtains merchant's signature and the acquirer's certificate to prove that merchant and issuer share a common financial arrangement (i.e. obtaining guarantee), see also col. 11, line 10 for the structure of certificate Hierarchy including Root, Issuing Bank, Acquiring bank and Merchant].

As per claim 65. Linehan teaches an intermediate agent according to claim 64, further comprising means for receiving a receipt from the receiving party when the receiving party has received a guaranteed message [col. 14, lines 63-64, the merchant sends acknowledgement back to the issuer gateway]; and means for sending the receipt as a guaranteed receipt to the sending party [col. 14, lines 65-67, the issuer gateway sends acknowledgement to the consumer's wallet].

As per claim 66, Linehan teaches an intermediate agent according to claim 63, wherein the means for receiving messages from the send party comprises a logger for logging the messages [Fig. 7 and related text, Consumer data buffer of issuer gateway corresponds a logger for logging messages].

As per claims 67, Linehan teaches an intermediate agent according to claim 63, wherein the means for receiving messages from the sending party comprises a timestamp for timestamping received messages [col. 6, line 29, the issuer gateway includes reference number with the authorization token and the authorization token includes timestamp (corresponds to timestamp) among other things].

As per claim 68, Linehan teaches an intermediate agent according to claim 63, wherein the means for receiving messages from the sending party comprises a referencer for assigning references to received messages [col. 6, line 29, the issuer gateway includes reference number with the authorization token].

As per claim 69, Linehan an intermediate agent according to claim 63, wherein the received messages are signed and the means for receiving messages further comprises a verifier for verifying the signature on the messages [col. 14, lines 59-64, the merchant verifies the issuer gateway's signature and the data on the authorization token]

As per claim 70, Linehan teaches an intermediate agent according to claim 63, wherein the means for sending the received message includes a logger for logging the guaranteed messages [Figure 7 and related text, the issuer gateway includes (logger) consumer data buffer 732 and 742 for logging guaranteed messages].

As per 71, Linehan an intermediate agent according to claim 64, wherein the means for obtaining a guarantee relating to the receiving party includes means for obtaining from the receiving party guarantor [col. 11, line 10 discloses the structure of certificate Hierarchy including Root (certifying authority), Issuing Bank (sending party guarantor), Acquiring bank (receiving party guarantor) and Merchant (receiving party)].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 13-14, 19, 22, 30, 44-45, 50, 53 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan as applied to claims 12, 18, 21, 43, 49 and 52 above, and further in view of U.S. Patent No. 6, 145, 079 to Mitty et al. (hereinafter "Mitty").

As per claims 13-14, 44-45, 19 and 50, Linehan fails to teach a method and apparatus according to claims 12 and 43 respectively, wherein the receipt is a signed receipt; and

forwarding the guaranteed message to the sending party with the guarantee received from the receiving party's guarantor.

However, in an analogous art, Mitty teaches a secure electronic transaction using a trusted intermediary with non-reputation of receipt and contents of message [see abstract, see also col. 6, lines 43-56], wherein a signed receipt [confirm 2, see col. 17, lines 56-64 for explanation of signed confirm] is sent from the recipient [guarantor] to the intermediary and forwarding the guaranteed message to the sending party with the guaranteed received [Confirm 3] from the receiving [guarantor] party.

Therefor, It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of the signed receipt taught by Mitty within the method and system of Linehan to provide no-repudiation and the confirmation which will evidence the payment received by the merchant's of Linehan, and thus the merchant may not later repudiate receiving the payment [Mitty, col. 6, lines 48-55].

As per claims 22 and 53, Linehan teaches a method and apparatus according to claims 21 and 52 respectively, wherein on receipt of the guaranteed message at the receiving party the

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receiving party sends a receipt to the intermediate party [col. 14, lines 59-63, the merchant sends acknowledgement back to the issuer gateway].

Linehan further discloses that the intermediate party sends an acknowledgement back to the consumer [col. 14, lines 64-67].

Linehan is silent in disclosing the intermediate party adds the guarantee received from the receiving party's guarantor to the receipt to form a guaranteed receipt and sends the guaranteed receipt to the sending party.

However, Mitty teaches a secure electronic transaction using a trusted intermediary with non-reputation of receipt and contents of message [see abstract, see also col. 6, lines 43-56], wherein a signed receipt [confirm 2, see col. 17, lines 56-64 for explanation of signed confirm] is sent from the recipient [guarantor] to the intermediary the intermediary sends the guaranteed message to the sending party with the guaranteed received [Confirm 3] from the receiving [guarantor] party.

Therefor, It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of the signed receipt taught by Mitty within the method and system of Linehan to provide no-repudiation and the confirmation which will evidence the payment received by the merchant's of Linehan, and thus the merchant may not later repudiate receiving the payment [Mitty, col. 6, lines 48-55].

As per claims 30 and 61, Linehan teaches a method and apparatus according to claims 29 and 60, further comprising, on receipt of the guaranteed message at the receiving party:

sending a receipt to the intermediate party [col. 4, lines 63-64];

logging the receipt at the intermediate party [Figure 7 and related text, the issuer gateway includes (logger) consumer data buffer 732 and 742 for logging message from said sending party];

Linehan is silent in disclosing sending a guaranteed receipt to the sending party.

However, Mitty teaches a secure electronic transaction using a trusted intermediary with non-reputation of receipt and contents of message [see abstract, see also col. 6, lines 43-56], wherein a signed receipt [confirm 2, see col. 17, lines 56-64 for explanation of signed confirm] is sent from the recipient [guarantor] to the intermediary the intermediary sends the guaranteed message to the sending party with the guaranteed received [Confirm 3] from the receiving [guarantor] party.

Therefor, It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of the signed receipt taught by Mitty within the method and system of Linehan to provide no-repudiation and the confirmation which will evidence the payment received by the merchant's of Linehan, and thus the merchant may not later repudiate receiving the payment [Mitty, col. 6, lines 48-55].

9. **Claims 23 and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan as applied to claims 21 and 42 above and further in view of U.S. Pub. No. 2001/0027440 to Tanaka et al. (hereinafter "Tanaka").

As per claims 23 and 54, Linehan teaches a method and apparatus according to claims 21 and 42 respectively, wherein the step of obtaining a guarantee from a receiving party guarantor by the intermediate party comprises requesting from the receiving party the identity of the receiving party's guarantor [col. 5, lines 57-61, i.e. the merchant message sent to the issuer

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gateway includes a digital certificate of an acquiring bank (i.e. identity of the receiving party's guarantor]. Linehan is silent in disclosing sending a guarantee request to the receiving party guarantor on receipt of their identity.

However, in an analogous art, Tanaka discloses an electronic credit service, wherein an electronic commerce server (an intermediary between buyer client, seller client and a credit organization server (guarantors)) in response to transmitting to a receiving party (seller) an order information with a credit guarantee result attached thereto [page 4, paragraph 0082, i.e. sending a guarantee request) receives an order reception result from the seller client (i.e. receiving party guarantor) which includes a credit guaranteed ID and information indicating whether to accept or reject the corresponding order information [page 4, paragraph 0085].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Tanaka's sending a guarantee request to the receiving party guarantor within the method and system of Linehan in order to shorten the process of checking the sending party's credit standing on the receiving side [Tanaka, page 1, paragraph 0009].

10. Claims 24-28 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan U.S. patent 6,327,578 and further in view of U.S. Pub. No. 2001/0027440 to Tanaka et al. (hereinafter "Tanaka") and U.S. Patent No. 6, 145, 079 to Mitty et al. (hereinafter "Mitty").

As per claims 24 and 55, Linehan teaches a method and apparatus of sending a guaranteed message from a sending party to a receiving party comprising the steps of:

sending a signed electronic message from the sending party to an intermediate party [col. 7, lines 33-38, the consumer's computer sends a signed message including a signed response with the merchant's initiation message];

establishing, at the intermediate party, the identity of a receiving party guarantor [col. 6, lines 10-11, the issuer gateway verifies (establishes) the merchant's signature and the acquirer's certificate (i.e. the identity of receiving party's guarantor), see also col. 15, lines 28-31];

sending a guarantee request to a sending party guarantor [col. 8, lines 61-67, the issuer gateway accesses from the issuing bank (guarantor) a consumer reference number corresponding to the credit consumer's card number and generates an authorization token signed with the issuer's signature, see Fig. 8, numeral elements 808, 810 and 812].

Linehan fails to teach sending a guarantee request to a receiving party guarantor; and on receipt of a guarantee from each of the sending party guarantor and receiving party guarantor, sending a guaranteed message from the intermediate party to the receiving party; and

sending a guaranteed receipt from the intermediate party to the sending party after the guaranteed message has been received by the receiving party.

However, in an analogous art, Tanaka discloses an electronic credit service, wherein an electronic commerce server (an intermediary between buyer client, seller client and a credit organization server (guarantors)) in response to transmitting to a receiving party (seller) an order information with a credit guarantee result attached thereto [page 4, paragraph 0082, i.e. sending a guarantee request) receives an order reception result from the seller client (i.e. receiving party guarantor) which includes a credit guaranteed ID and information indicating whether to accept or reject the corresponding order information [page 4, paragraph 0085].

Furthermore, in an analogous art, Mitty teaches a secure electronic transaction using a trusted intermediary with non-reputation of receipt and contents of message [see abstract, see also col. 6, lines 43-56], wherein a signed receipt [Confirm 2, see col. 17, lines 56-64 for explanation of signed confirm] is sent from the recipient [guarantor] to the intermediary the intermediary sends the guaranteed message to the sending party with the guaranteed received [Confirm 3] from the receiving [guarantor] party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Tanaka's sending a guarantee request to the receiving party guarantor within the method and system of Linehan in order to shorten the process of checking the sending party's credit standing on the receiving side [Tanaka, page 1, paragraph 0009].

It would have been further obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of the signed receipt taught by Mitty within the method and system of the modified Linehan to provide no-repudiation and the confirmation which will evidence the payment received by the merchant's of Linehan, and thus the merchant may not later repudiate receiving the payment [Mitty, col. 6, lines 48-55].

As per claims 25 and 56, Linehan teaches a method and apparatus according to claims 24 and 55 respectively, comprising, on receipt of the signed message by the intermediate party;

logging the signed message [Figure 7 and related text, the issuer gateway includes (logger) consumer data buffer 732 and 742 for logging message from said sending party];

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attaching a timestamp to the signed message [col. 8, line 9-10, the issuer gateway authorizes payment by sending over the internet network an authorization token including timestamp];

adding a reference to said message [col. 8, lines 11-12, authorization token includes a reference number];

attaching a reference to the signed message [col. 6, lines 31-33, the issuer gateway signs the message containing a reference number]; and

verifying the signature [col. 8, lines 55-56, the issuer gateway (verifier) authenticates the message using consumer's authentication information, see also Fig. 3, numeral element 308 and related text, col. 6, lines 8-13, the issuer gateway verifies merchant's signature and validated the acquirer's certificate in the message.]

As per claims 26 and 57. Linehan teaches a method and apparatus according to claims 25 and 56 respectively, wherein the step of establishing the receiving party guarantor comprises sending a guarantor identity request from the intermediate party to the receiving part [col. 6, lines 4-7, describes that the acquiring bank's digital certificate, sent by the merchant, contains a network address or URL that identifies the network location of the acquiring bank contacted via an internet as part of payment protocol. Furthermore, col. 6, lines 8-8, state that the issuer gateway (intermediate party) verifies the acquirer's certificate. Contacting and verifying constitute the claim limitation of sending a guarantor identity request to the receiving party].

As per claims 27 and 58, Linehan teaches a method and apparatus according to claims 26 and 57 respectively, wherein the message is encrypted using public/private key encryption, further comprising requesting the receiving party's public key when the guarantor identity

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request is sent [col. 4, lines 65-67, states that if privacy is desired, the communication among consumer wallet, issuer gateway, and the merchant can be protected via the Secure Socket Layer (SSL) protocol].

As per claims 28 and 59, Linehan teaches a method and apparatus according to claims 24 and 55 respectively, wherein on receipt of the guaranteed message at the receiving party the receiving party sends a receipt to the intermediate party [col. 14, lines 59-63, the merchant sends acknowledgement back to the issuer gateway].

Linehan further discloses that the intermediate party sends an acknowledgement back to the consumer. Linehan is silent in disclosing the intermediate party adds the guarantee received from the receiving party's guarantor to the receipt to form a guaranteed receipt and sends the guaranteed receipt to the sending party [col. 14, lines 64-67].

Linehan is silent in disclosing the receiving party sends a signed receipt to the intermediate part.

However, in an analogous art, Mitty teaches a secure electronic transaction using a trusted intermediary with non-reputation of receipt and contents of message [see abstract, see also col. 6, lines 43-56], wherein a signed receipt [Confirm 2, see col. 17, lines 56-64 for explanation of signed confirm] is sent from the recipient [guarantor] to the intermediary the intermediary sends the guaranteed message to the sending party with the guaranteed received [Confirm 3] from the receiving [guarantor] party.

Therefor, It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of the signed receipt taught by Mitty within the method and system of Linehan to provide no-repudiation and the confirmation which will

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evidence the payment received by the merchant's of Linehan, and thus the merchant may not later repudiate receiving the payment [Mitty, col. 6, lines 48-55].

Conclusion

11. Prior arts made of record, not relied upon:

USP 6,760,752 to Liu et al.

US Pub. No. 2004/0059677 to Shao.

US Pub. No. 2002/0049601 to ASOKAN et al.

US Pub. No. 2002/0004800 to Kikuta et al.

US Pub. No. 2002/0029200 to Dulin et al.

US Pub. No. 2002/0091928 to Bouchard et al.

USP 6,035,402 to Vaeth et al.

USP 6,327,656 to Zabetian

USP 5,926,552 to Mckee

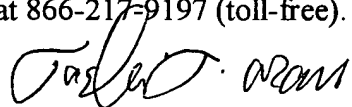
USP 5,825,87 to Dan et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Taghi T. Arani, Ph.D.

Examiner

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May 27, 2005